



New Jersey Department of Children and Families Policy Manual

Manual:	CON	Contracting	Effective Date:
Volume:	I	Contract Policy and Information Manual (CPIM)	
Chapter:	A	Contract Policy and Information	1-12-2010
Subchapter:	1	Contract Negotiations and Revisions	
Issuance:	1.04.2010	Request for Proposals	Revised:
			Under Revision

I. PURPOSE

The purpose of this policy is to standardize the Request for Proposals (RFP) process throughout the Department of Children and Families (DCF).

II. SCOPE

This policy applies to all Departmental Components issuing an RFP, and to all groups or entities participating in the Department's RFP process. This policy is promulgated to provide a consistent approach to the awarding of grants, subgrants/contracts that do not fall within the parameters of the New Jersey Law, N.J.S.A. 52:34-6 et seq.

III. POLICY

The grant, procurement or reprocurement, process has three (3) distinct phases:

A. *The Solicitation Phase:* During this phase, the RFP is developed by the Departmental Component for which the services are being procured after receiving approval to proceed from the DCF Grants Management Committee. Upon completion of the RFP, notice is posted on the DCF's website and is sent to grantees or providers who have registered on the DCF's bid notification list for the goods and/or services that are the subject of the RFP. Written questions received will be answered in the form of a written addendum to the RFP. DCF may also, in its sole discretion, conduct what is known as a pre-bid conference. Attendance at this conference may either be voluntary or mandatory, and will be clearly indicated in the respective RFP. If it is mandatory, all Applicants must attend. Conferences are held in order to answer questions Applicants might have regarding the RFP. In order to ensure that the conference proceeds smoothly, any presentation or materials presented on behalf of the State must be approved in advance with the DCF's Deputy Commissioner's Office. Answers to the questions raised by Applicants

before and during the pre-bid conference will in the form of a written addendum to the RFP. Also a Notice of Intent to Bid may be issued for potential Applicants to notice the Department of their Intention to Bid. Questions and bids will only be entertained by those that complied with the request for Notice of Intent to Bid requirement.

B. The Evaluation Phase: Following initial review, bid proposals are distributed to an Evaluation Committee for evaluation.

In technically evaluating bid proposals received, the Evaluation Committee uses a point score methodology to score the bid proposals. The Committee may also conduct a cost comparison between and among the bid proposals which will be part of the scoring process reviewing price and other factors. The Evaluation Committee's work concludes with the production of a report known as an Award Recommendation, which is forwarded to the Commissioner of the Department of Children and Families ("Commissioner") to assist in his/her determination as to which bidder should receive the contract award.

C. The Award Phase: Upon receipt of the Award Recommendation from the Evaluation Committee, the Commissioner decides which Applicant will receive the contract award. Bidders are notified in writing of the Commissioner's intended decision. Following a period in which Applicants are permitted to protest, a contract is issued by the (DCF) to the selected bidder.

D. When Not Required: The RFP process shall not be required for the renewal or expansion of DCF purchase of service contracts that do not exceed \$29,000. For example a contractor may provide counseling services and additional counseling services may be added. A new service however, such as home visitation may not be added without an RFP regardless of the dollar amount. The RFP Process shall not apply to an annual renewal of an existing contract unless the Departmental Component determines that the services are to be re-bid in its sole discretion.

IV. DEFINITIONS

In addition to the defined terms included in [CON-III-A-1-1.0.2007](#), Contracting Glossary of Terms (CPIM and CRM), the following terms, when capitalized, shall have the meanings as stated:

Applicant means the person, agency or entity responding to an RFP.

Evaluation Committee means the individuals approved by the Grants Management Committee to evaluate the proposals.

Grants Management Committee means the committee appointed and approved by the Deputy Commissioner to coordinate and manage the grant and request for proposal process among a variety of Departmental Components.

Grants Management Support Unit means the unit in the Deputy Commissioner's Office to support and maintain records of requests for proposals and responses to grant applications. The unit shall also support the grant application process for federal or other grants.

V. PROCEDURES

The Departmental Component shall follow the procedures set forth in this policy when requesting proposals for the provision of third-party social services or training.

A. Approval to Proceed to Develop an RFP/Grant

1. The Departmental Component shall provide a request to the Grants Management Committee to recommend to the Deputy Commissioner the approval to proceed to develop an RFP or Grant. The Departmental Component shall contact the Grants Management Support Unit for the formal format of the request.
2. Upon approval, the Departmental Component shall proceed to develop the RFP/Grant and ensure that all participants in the development process provide appropriate ethics forms proscribed by the New Jersey State Ethics Commission for participation in the public procurement process relating to personal and financial relationships.

B. Request for Proposals (RFP)

1. The Department shall issue a public announcement regarding the availability of funds for the purchase of services. The announcement shall be drafted in accordance with the format and guidelines set forth in this policy and issued in a manner that permits reasonable competition among eligible service providers. The final draft shall be approved by the Grants Management Committee and recommended to Commissioner or designee for final approval and retained on file with the Departmental Component and the Grants Management Support Unit.
 - a. Upon completion of the RFP and the approval process, the final document **shall** be published
 - i. On the DCF Web Page on the internet; and, if appropriate, other publications intended to solicit reasonable competition.
 - b. A second announcement regarding the RFP **may** be published in the *New Jersey Register* and/or newspapers of general distribution.
 - c. Once the final document is issued, no information regarding the RFP shall be disclosed except as provided for in the public processes outlined in this policy.

- d. Pursuant to N.J.S.A. 52:14-34.5, the Department shall publish in the New Jersey Register, at a minimum semi-annually, the address of the DCF website where prospective Applicants may access information regarding the availability of funding and Requests for Proposals.
2. Prospective Applicants shall be provided an opportunity to obtain technical assistance and additional or clarifying information regarding the RFP or the services to be provided through a Bidders Conference and/or a time limited electronic Question and Answer (Q/A) period as determined by the Departmental Component and indicated in the RFP.
 - a. Attendance at the Bidders Conference may be voluntary or mandatory and shall be specified in the RFP.
 - b. Written inquiries received during the Q/A period shall be answered and posted on the DCF website as an addendum to the RFP.
 - c. Applicants may be requested to provide a Notice of Intent to Bid Form as provided on the DCF website in accordance with the terms set forth in the RFP. Failure to provide the Notice of Intent to Bid in the timeframe provided in the RFP will automatically disqualify an applicant from bidding on the RFP.
 - d. No contact other than through the question and answer process and the available website, DCFASKRFP@dcf.state.nj.us, shall be permissible during the RFP process. Failure to comply with this requirement may subject the potential Applicant to a disqualification from bidding on the procurement;
3. The RFP process shall be completed within 120 days of publication, inclusive of the review processes unless the process is extended due to unforeseen circumstances.
4. All relevant documents, forms and materials shall be available on the DCF website, and may be supplied by the Grants Management Support Unit to a potential Applicant upon written request for an RFP/application package.

The RFP/application package may contain the following information and requirements: however, the exact requirements shall be specified in the RFP:

- a. The amount of funds available, the source of funds, the purpose, scope, and goals of the programs and services being solicited, the geographic area to be served and any specific conditions, requirements, and/or constraints such as spending caps or match requirements;

- b. All requirements that must be met in order for the proposal to be evaluated;
- c. Applicant eligibility criteria;
- d. The address, contact person, email address and telephone number to which the proposal is to be sent, the submission deadline (time and date), time frames for review of the proposal and awarding of Contracts, and the target date for implementation;
- e. The method and procedures that will be utilized to provide prospective Applicants technical assistance and additional or clarifying information regarding the RFP or the services to be provided, such as a Bidders' Conference, a Question and Answer (Q/A) period;
- f. Proposal evaluation criteria as delineated in this policy;
- g. The appropriate information forms and a list of required supporting documents as included in this policy.

C. Sole Source Services

Where there is none or only one response to the RFP, and after specifications of the RFP have been cited and all criteria of this policy have been met, the Department may issue a sole source contract. Documentation of any and all efforts to obtain multiple responses/proposals shall be kept in the Department's RFP file. Such documentation shall include every contact made by the Departmental Component to find a suitable service provider.

D. Internal Controls for Proposals

- 1. The Grants Management Support Unit shall retain all relevant correspondence in the RFP records. Such correspondence shall be maintained by staff other than those who are participating in the proposal review and selection process.
- 2. The following information, at a minimum, shall be maintained on file by the Grants Management Support Unit:
 - a. Name of the program;
 - b. Submission deadline date;
 - c. Date the completed proposals are received from the Applicants;

- d. List of Applicants whose proposals were disqualified or rejected as a result of Preliminary Screening processes, if applicable;
 - e. Name of the Department staff person receiving and/or screening the proposals;
 - f. Recommendation of the Proposal Evaluation Committee (Award Recommendation Report) and the Department's decision regarding contract awards; and
 - g. Date the decision letter notifying Applicants of acceptance or rejection was sent.
- 3. Proposals received from Applicants are to be date and time stamped upon receipt, or a written receipt if the time is not available.
 - 4. All notification letters concerning acceptance and registration shall have the same date and be issued via email, first class mail, or overnight on that day.

E. Application/Proposal Requirements

Proposals/applications submitted in response to an RFP shall contain the information required by the RFP. Upon completion of the initial screening, proposals meeting the requirements of the RFP shall be distributed to the Proposal Evaluation Committee for its review. Failure to meet the criteria outlined in this section, or the submission of incomplete or non-responsive applications, may constitute grounds for immediate rejection of the proposal. The Departmental Component may issue a written notification to Applicants whose proposals were rejected as a result of the screening process. The following shall be required in each RFP:

- 1. Statement of Assurances, as set forth on the DCF website;
- 2. Certification regarding debarment, as set forth on the DCF website;
- 3. Contractor Certification and Disclosure Forms in accordance with PL 2005, Chapter 51, as set forth on the DCF website, together with a completed Ownership Disclosure form, as set forth on the DCF website. Both forms and instructions can be found on the Department of the Treasury website at <http://www.newjersey.gov/treasury/dpmc/forms.shtml>
- 4. Copy of the IRS Determination Letter regarding the Applicant's charitable contribution or non-profit status (if appropriate);

F. Composition of the Proposal Evaluation Committee

The Departmental Component shall nominate an Evaluation Committee of at least three (3) voting members to review proposals and make recommendations for funding.

1. The proposed Evaluation Committee shall be submitted to the Grants Management Committee and approved prior to the receipt of proposals.
2. The Evaluation Committee shall be broadly representative and culturally diverse. Members may include DCF staff and/or state or municipal representatives having expertise in areas such as contracting, finance, and program services.
3. The Evaluation Committee may utilize the services of a consultant to provide programmatic or technical expertise that will assist its members in the proposal evaluation process. Consultants may not serve as voting members of the Committee.
4. All voting and non-voting members shall receive a copy of the DCF Evaluation Committee Instructions and sign the Acknowledgement and Certification form as well as provide a signed Ethics Business Disclosure form to the Office of Legal Affairs.
5. An Evaluation Committee member (voting or non-voting) shall disqualify himself or herself when he or she has any interest, financial or otherwise, direct or indirect, in any Applicant, proposed sub-contractor thereof, or the results of the Committee's evaluations (see Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq.).
6. Records shall be maintained by both the Departmental Component and the Grants Management Support Unit regarding the composition of the Evaluation Committee, including a listing of all voting and non-voting members, original and/or copies of all Evaluation Committee Member Acknowledgement and Certification forms. Any Ethics Business Disclosure form and/or disqualifications due to a Conflict of Interest shall be maintained by the DCF Office of Legal Affairs.

G. Evaluation of the Proposal

1. Proposals shall be assessed by the Evaluation Committee to ensure satisfactory documentation, capability, clarity, cost effectiveness and consistency with the requirements of the RFP.
2. The evaluation of proposals shall be documented in writing using pre-established forms and the point scoring methodology set forth in the RFP.

3. All meetings of the Evaluation Committee shall be documented and a summary of the results of those meetings retained as a copy of the Award Recommendation Report with the Grants Management Support Unit. The Evaluation Committee shall document the strengths and weaknesses of each proposal.
4. After all proposals have been evaluated and scored, a final Evaluation Committee meeting shall be convened, at which time a determination shall be made as to which Applicant(s) will be recommended to the Commissioner for a contract award.
 - a. The Evaluation Committee shall participate in the drafting of the Award Recommendation Report, which is signed by each Evaluation Committee member and forwarded to the Grants Management Support Unit. Upon approval by the Deputy Commissioner, the award recommendation package is prepared by the Grants Management Support Unit and provided to the Deputy Commissioner and then the Commissioner to assist in his/her determination as to which Applicant(s) will receive a contract award;
 - b. The Evaluation Committee's work concludes with the production of the signed Award Recommendation Report.
5. All Evaluation Committee proceedings, proposals and recommendations are considered confidential and shall not be disclosed by any member of the Evaluation Committee or DCF staff until the award(s) has been publicly announced.

H. Notification of Decision and Appeal Procedures

1. Upon determining which proposals are most responsive and advantageous to the needs of the clients to be served or services to be rendered, costs and other factors considered, the Grants Management Support Unit, under the Commissioner's signature, shall notify all Applicants in writing of its selection within the time frames specified in the RFP, not to exceed 90 days from publication.

The review process must be completed in a time-frame appropriate to Departmental policy as referenced in the RFP, and the total RFP process may not exceed 120 days from publication on the DCF website unless circumstances prevent the process to occur within this period.

2. In the event that a party appeals the determination of the Evaluation Committee, appeals shall be provided by mail, courier or overnight carrier to:

Office of Legal Affairs

Contract Appeals-4th floor
50 East St. Street
Trenton New Jersey 08625

3. Acceptance letters shall indicate that:

The award is contingent upon a successful Contract negotiation and that the Contract is not binding until funding has been verified and the Department's Standard Language Document, as set forth on the DCF website, is signed by both parties.

I. Retention of Documentation

Awarded Contracts, originals, all support materials and the record copy shall be retained by the Departmental Component for 3 years after the termination of the Contract and 4 years thereafter at the records center prior to destruction. Unsuccessful proposals shall be retained for 3 years by the Departmental Component and then may be destroyed.

The materials to be retained include the RFP, Applicant proposals, all evaluation sheets, documentation from Evaluation Committee meetings, and any other documentation that details why the agency was selected or not selected.

J. Post Award Reviews

The Grants Management Support Unit may offer unsuccessful Applicants an opportunity to review the Evaluation Committee's rating of their respective proposals and a representative sampling of those that were selected for funding.

1. The review may not include discussions or detailed comparisons of the unsuccessful proposal with those of other Applicants. Moreover the Review may not reveal any information that is prohibited from disclosure by P.L. 2001, c. 404, or exempt from release under the Open Public Records Act including:
 - a. Trade secrets and proprietary commercial or financial information obtained from any source, or
 - b. Information which, if disclosed, would give an advantage to competitors or bidders.
2. A record of the Post Award Review shall be included in the RFP file.
3. Applicants shall not remove or make copies of any documents or materials that are made available during the Review session.

K. Contract Negotiations

At the time an award is made to the Applicant, negotiations shall proceed with the process of preparing and submitting a formal Contract package to the Department in accordance with DCF policy. The initial proposal as modified and agreed to by both parties may serve as the Annex A program description (see the Contract Reimbursement Manual and Contract Policy and Information Manual) for the Contract.